

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JACK WAYNE FRIEND,

Petitioner,

v.

RON BROOMFIELD, Acting Warden,  
California State Prison at San Quentin,

Respondent.

Case No. 15-cv-03514-HSG

**ORDER VACATING STAY**


Re: Dkt. No. 88

On December 1, 2017, this matter was stayed pursuant to *Rhines v. Weber*, 544 U.S. 269, 278 (2005), so that petitioner could exhaust certain of his habeas claims in the state courts. ECF Doc. No. 59. On June 21, 2022, petitioner filed a Motion for Order Vacating Stay indicating that state court exhaustion proceedings have concluded. ECF Doc. No. 88. A response to petitioner's motion to vacate the stay was due July 5, 2022, but none was filed. Accordingly, for good cause shown, petitioner's Motion for Order Vacating Stay is **GRANTED** and the stay is **VACATED**.

With the stay vacated, this matter resumes its posture at the time the stay was entered. Petitioner has filed a finalized habeas petition. ECF Doc. No. 35. Pursuant to *Habeas Corpus* Local Rule 2254-29, respondent must either file a motion regarding exhaustion or answer the finalized petition. Accordingly, on or before August 5, 2022, the parties shall meet and confer regarding exhaustion or the filing of a responsive pleading, *see Habeas Corpus* Local Rule 2254-29(b), and shall file a joint case management statement proposing a schedule for the filing of further motions or responsive pleadings on or before August 12, 2022.

**IT IS SO ORDERED.**

Dated: 7/15/2022

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge